

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NORTHWEST PIPE COMPANY, fka  
NORTHWEST PIPE & CASING COMPANY,  
an Oregon corporation,

3:09-CV-01126-BR

ORDER

Plaintiff,

v.

RLI INSURANCE COMPANY, an  
Illinois corporation, and  
EMPLOYERS INSURANCE COMPANY  
OF WAUSAU, a Wisconsin  
corporation,

Defendants.

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EMPLOYERS INSURANCE COMPANY  
OF WAUSAU, a Wisconsin  
corporation,

Counter-Claimant,

v.

NORTHWEST PIPE COMPANY, fka  
NORTHWEST PIPE & CASING COMPANY,  
an Oregon corporation,

Counter-Defendant.

RLI INSURANCE COMPANY, an  
Illinois corporation,

Third-Party Plaintiff,

v.

ACE FIRE UNDERWRITERS INSURANCE  
COMPANY, a Pennsylvania company,  
and ACE PROPERTY AND CASUALTY  
INSURANCE COMPANY, a Pennsylvania  
company,

Third-Party Defendants.

BROWN, Judge.

This matter comes before the Court on RLI Insurance Company's Motion (#365) to Dismiss or Stay and Employers Insurance Company of Wausau's Motion (#366) for Joinder to RLI's Motion. The Court **GRANTS** Wausau's Motion (#366) for Joinder.

Having considered the parties' arguments and in the exercise of the Court's case-management discretion, the Court concludes a stay of this action until the conclusion of RLI's appeal taken from this Court's partial Judgment (#308) is appropriate. Staying this case serves the purposes of judicial economy and avoids potentially wasteful expenditure of the parties' resources. Moreover, no party will be unduly prejudiced by this stay in light of the modest sum remaining in controversy.

**CONCLUSION**

For these reasons, the Court **GRANTS in part** RLI's Motion (#365) to Dismiss or Stay as follows:

The Court **STRIKES** all current case-management dates and **STAYS** this action until 60 days after the Ninth Circuit Court of Appeals issues a mandate in Ninth Circuit Case No. 14-35542 or further order of this Court. The parties shall file a single, joint status report outlining the parties' proposals for the next steps in this case within 60 days of the Ninth Circuit's mandate. The parties shall also file a joint status report if any significant developments that affect this action occur in the interim.

The Court **DENIES in part** RLI's Motion to the extent RLI seeks dismissal of this matter.

IT IS SO ORDERED.

DATED this 6th day of March, 2015.



ANNA J. BROWN  
United States District Judge